IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ruxandra Draghia-Akli, et al.

Serial No.:   10/699,597
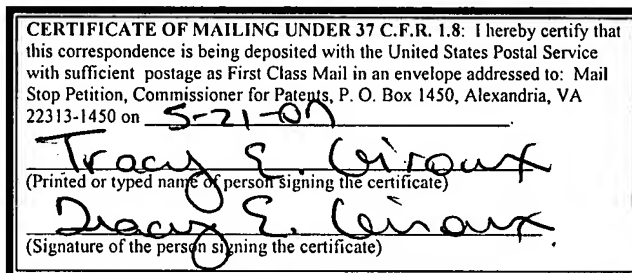
Filed: October 30, 2003

Group: 1645

For: **SYNTHETIC MUSCLE PROMOTERS WITH ACTIVITIES EXCEEDING NATURALLY OCCURRING REGULATORY SEQUENCES IN CARDIAC CELLS**

Mail Stop: Petition
Commissioner for Patents
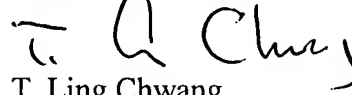P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

<table>
<tr><td>CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on 5-21-07 .

_____Tracy S. Giroux_____
(Printed or typed name of person signing the certificate)

_____Tracy S. Giroux_____ .
(Signature of the person signing the certificate)</td></tr>
</table>

RESPONSE TO NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (F) OR (G)

In response to the Notice of Abandonment Under 37 CRF 1.53 (F) or (G) mailed March 14, 2007, enclosed please find the following documents:

1.   Petition to Withdraw a Holding of Abandonment Based on Failure to Receive an Office Action under 37 CRF §1.181(a);
2.   Copy of Notice of Abandonment under 37 CFR 1.53(f) or (g) [Exhibit A];
3.   Copy of Withdrawal of Previously Sent Notice/ Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures retrieved from the USPTO PAIR System [Exhibit B];
4.   Statement from Practitioner in Support of Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action;
5.   Copy of docket record for Docket No. 108328.00161 [Exhibit C];
6.   Amendment under 37 CFR §1.111;
7.   Sequence Listing Statement Under 37 CFR §1.821(f);
8.   Revised Sequence Listing on paper; and
9.   Revised Sequence Listing on CD.

The commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 10-0096.

Respectfully Submitted,

T. Ling Chwang   May 21, 2007

T. Ling Chwang
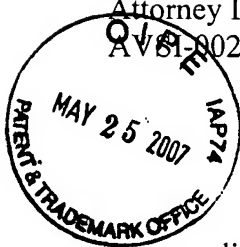Reg. No. 33,590
Jackson Walker L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202
Tel: (214) 953-5959
Fax: (214) 661-6870

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ruxandra Draghia-Akli, et al.

Serial No.:   10/699,597

Filed: October 30, 2003

For: **SYNTHETIC MUSCLE PROMOTERS WITH ACTIVITIES
                         EXCEEDING NATURALLY OCCURRING REGULATORY
                         SEQUENCES IN CARDIAC CELLS**

Group No.:   1645

Examiner: Kaushal, Sumesh

Mail Stop: Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER 37 C.F.R. § 1.111

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequences and/or Amino Acid Sequence Disclosures dated July 6, 2006, please enter the enclosed Sequence Listing. In addition, please amend the above-identified patent application as follows. No new matter has been added.

In the Sequence Listing:

Please replace the original Sequence Listing in the Specification with the replacement Sequence Listing as indicated on the Sequence Listing sheets (pages 1-24) that are part of the Statement under 37 C.F.R. §1.821(f) having the heading SEQUENCE LISTING:

In the Specification, please replace paragraphs [0005] and [0051] as follows:

Please amend Paragraph [0005] and Paragraph [0051] as follows. Certain original text contains underlining in the nucleotide sequence and this amendment simply adds of sequence identifiers. No new matter has been added.

Paragraph [0005]

[0005] The molecular mechanisms controlling cardiac-specific gene transcription requires the dissection of the cis-elements that govern the complex spatio-temporal expression of these genes. The vertebrate heart is formed during fetal development following a series of complex morphogenetic events that require the functional presence of different proteins, tightly regulated by combinatorial interactions of several transcription factors and their cofactors (Nemer and Nemer, 2001; Wang et al., 2001). First, the proximal serum response element (SRE) ('5-CC[A/T]$_6$GG-3'), SEQ ID NO:23, of the skeletal α-actin promoter was incorporated. Multiple SREs are found in the cardiac, skeletal and smooth muscle α-actin promoters (Chang et al., 2001), and in the promoters of myosin light chain and dystrophin (Bergsma et al., 1986; Carroll et al., 1986). This cis-element is recognized by the trans-acting serum response factor (SRF), and by the competitive inhibitor YY1 (Chow and Schwartz, 1990; Lee et al., 1992; Minty and Kedes, 1986). Serum response factor (SRF) is a key regulator of a number of extracellular signal-regulated genes important for cell growth and differentiation (Zhang et al., 2001). Mutations in the proximal SRE that block SRF binding abolish skeletal α-actin promoter (SK) activity, indicating a fundamental role for this promoter element. Second, MEF-2 sites ('5-[C/T]TAAAAATAAC[C/T]$_3$-3'), SEQ ID NO: 24, that have been found in

the promoter/enhancer regions of the myosin light-chain 3 gene were selected. A single MEF-2 site

lacks enhancer activity, but has multiple copies that exhibit strong enhancer activity (Gossett et al.,

1989). Mutation of the MEF2 site severely reduced promoter activity in embryos, underlining the

importance of MEF2 in controlling differentiation in all muscle lineages (Kelly et al., 2002). Third,

the MEF-1 sites ('5-CANNTG-3'), or E-boxes that are found in the upstream regulatory region of

most, if not all, muscle-specific genes were included (Olson et al., 1991; Weintraub et al., 1990).

MEF-1 sites are recognized by the basic helix-loop-helix (bHLH) family of proteins. Multiple MEF-

1 sites placed upstream of basal non-muscle promoters are sufficient to direct muscle-specific

expression and MyoD-mediated trans-activation in transient assays (Lassar et al., 1991; Weintraub et

al., 1990). Finally, the highly conserved muscle-CAT motif, or TEF-1 binding site ('5-CATTCCT-3')

was selected. TEF-1 mediates both muscle-specific (SK, cardiac troponin T, cardiac α- and β-myosin

heavy chain) and non-muscle specific transcription (simian virus 40 promoter) (Larkin et al., 1996;

Stewart et al., 1994).

Paragraph [0051]

[0051] Different combination of SRE, MEF-1, MEF-2 and TEF-1 were then ligated in a

total volume of 100μl using different molar ratio (Figure 1), maintaining a constant total amount of

oligonucleotide of 200 pmoles. The core motif of each regulatory element (underlined) was flanked

by adjacent sequence so that the binding sites of the regulatory elements would face the same side of

the DNA helix when assembled together. The ligation reaction was completed with T4 ligase in

150μl. After ligation, the combination of elements was run on a 6% acrylamide gel. The 75-300-bp

region was cut and eluted in 2 volumes of diffusion buffer at 37^{0}C overnight. The DNA was

extracted using Qiaex II Gel Extraction Kit (Qiagen Inc., Chatsworth, CA, USA) and incubated in

150μl with phosphorylated and annealed Sp1 element (2.5 nmoles) and 10U of T4 ligase at 16^{0}C

overnight. Since each of the Sp1 elements ('5-CCGTCCGCCCTCGG-3'), SEQ ID NO: 25, contains

EagI half at both ends, an intact EagI restriction site was generated wherever two Sp1 elements were

ligated together. The reaction was cleaned up (Qiaquick Nucleotide Removal Kit), digested with

EagI and cloned into the EagI site of SK144GL-2 luciferase reporter construct, which resulted in a
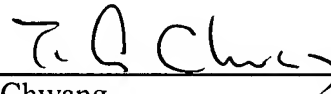
library of randomized synthetic-promoter-recombinants that were operatively linked to a reporter gene. The clones that gave the best results in the transfection studies were sequenced automatically.
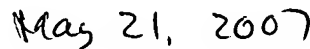
REMARKS

Applicants have amended the Sequence Listing to contain sequence identifiers for each of the sequences disclosed on page 4, lines 3 and 12, and page 18, line 17, of the Specification. Additionally, Applicants have enclosed replacement copies of the Sequence Listing in both paper and electronic format. The replacement copies contain a Statement under 37 C.F.R. §1.821 indicating that the paper and electronic copies are identical.

If the Examiner has any other matters which pertain to this Application, the Examiner is encouraged to contact the undersigned to resolve these matters by Examiner's Amendment where possible.

Respectfully submitted,

T. Ling Chwang
Registration No. 33,590
JACKSON WALKER L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202
Tel: (214) 953-5959
Fax: (214) 661-6870

May 21, 2007
Date

Docket No. AVSI-0027 (108328.00161)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ruxandra Draghia-Akli, et al.

Serial No.:   10/699,597

Filing Date: October 30, 2003

For: SYNTHETIC MUSCLE PROMOTERS WITH ACTIVITIES EXCEEDING
                  NATURALLY OCCURRING REGULATORY SEQUENCES IN CARDIAC
                  CELLS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 CFR 1.181(A)

Mail Stop: Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants, through their undersigned attorney, the Practitioner, hereby petition the U.S. Patent and Trademark Office ("USPTO") to withdraw the holding of abandonment in this application. A Notice of Abandonment, mailed March 14, 2007 [Exhibit A], was received by the Practitioner on March 16, 2007. A subsequent review of the file history in the USPTO Patent Application Information Retrieval System revealed a Withdrawal of Previously Sent Notice/Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures ("Withdrawal of Previously Sent Notice") was supposedly mailed on July 6, 2006 [Exhibit B]. This Withdrawal of Previously Sent Notice had never been received by the Practitioner. Applicants respectfully request that, since the Withdrawal of Previously Sent Notice was not received by the Practitioner, the Notice of Abandonment be withdrawn.

1

Docket No. AVSI-0027 (108328.00161)

The following documents are attached in support of this petition:

1. Statement From Practitioner in Support of Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action; and

2. Copy of docket record for Docket No. 108328.00161 [Exhibit C] showing **no** evidence of a Withdrawal of Previously Sent Notice being received by the Practitioner or a Response having been docketed at any time surrounding the deadline for response of August 6, 2006.

Applicants respectfully request that this Petition be granted.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 10-0096.

Any inquiries regarding this correspondence may be directed to the undersigned at the address or telephone number shown below.

Respectfully submitted,

T. Ling Chwang
Reg. No. 33,590

May 21, 2007

Jackson Walker L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202
Tel: (214) 953-5959
Fax: (214) 661-6870

2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ruxandra Draghia-Akli, et al.

Serial No.:   10/699,597

Filed: October 30, 2003

For: **SYNTHETIC MUSCLE PROMOTERS WITH ACTIVITIES EXCEEDING NATURALLY OCCURRING REGULATORY SEQUENCES IN CARDIAC CELLS**

Art Unit: 1645

Examiner: Kaushal, Sumesh

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

STATEMENT UNDER 37 C.F.R. § 1.821 (F)

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821 (e), § 1.821 (f), § 1.821 (g), § 1.825 (b) or § 1.825 (d) respectively, are the same. I also state that the paper and computer readable copies of the Sequence Listing submitted herewith contain no new matter.

Respectfully submitted,

T. Ling Chwang
Reg. No. 33,590

Date: ___May 21, 2007___

JACKSON WALKER L.L.P.
901 Main Street, Suite 6000
Dallas, TX 75202
Tel: 214-953-5959
Fax: 214-661-6870

SEQUENCE LISTING

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       Baylor College of Medicine

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       OCCURRING REGULATORY SEQUENCES IN CARDIAC CELLS

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6

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<213>  artificial sequence

<220>
<223>  Nucleic acid sequence for the TV-GHRH plasmid.

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gtgaggaatg gtggggagtt attttttagag cggtgaggaa ggtgggcagg cagcaggtgt    180

tggcgctcta aaaataactc ccgggagtta tttttagagc ggaggaatgg tggacaccca    240

aatatggcga cggttcctca cccgtcgcca tatttgggtg tccgccctcg gccggggccg    300

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cggcccacga gctaccggga ggagcgggag cgccaagctc tagaactagt ggatcccaa     420

ggcccaactc cccgaaccac tcaggtcct gtggacagct cacctagctg ccatggtgct    480

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<213> artificial sequence

<220>
<223> Nucleic acid sequence for the 15/27/28 GHRH plasmid.

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aatatggcga cggttcctca cccgtcgcca tatttgggtg tccgccctcg gccggggccg   300

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10

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11

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12

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<220>
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taggtgtcct tctataatat tatggggtgg aggggggtgg tatggagcaa ggggcaagtt      840

gggaagacaa cctgtagggc tcgaggggg gcccggtacc agctttttgtt ccctttagtg      900

agggttaatt tcgagcttgg tcttccgctt cctcgctcac tgactcgctg cgctcggtcg      960

ttcggctgcg gcgagcggta tcagctcact caaaggcggt aatacggtta tccacagaat     1020

caggggataa cgcaggaaag aacatgtgag caaaaggcca gcaaaaggcc aggaaccgta     1080

aaaaggccgc gttgctggcg ttttttccata ggctccgccc ccctgacgag catcacaaaa     1140

atcgacgctc aagtcagagg tggcgaaacc cgacaggact ataaagatac caggcgtttc     1200

cccctggaag ctccctcgtg cgctctcctg ttccgaccct gccgcttacc ggatacctgt     1260

ccgcctttct cccttcggga agcgtggcgc tttctcatag ctcacgctgt aggtatctca     1320

gttcggtgta ggtcgttcgc tccaagctgg gctgtgtgca cgaacccccc gttcagcccg     1380

accgctgcgc cttatccggt aactatcgtc ttgagtccaa cccggtaaga cacgacttat     1440

cgccactggc agcagccact ggtaacagga ttagcagagc gaggtatgta ggcggtgcta     1500

cagagttctt gaagtggtgg cctaactacg gctacactag aagaacagta tttggtatct     1560

gcgctctgct gaagccagtt accttcggaa aaagagttgg tagctcttga tccggcaaac     1620

aaaccaccgc tggtagcggt ggtttttttg tttgcaagca gcagattacg cgcagaaaaa     1680

aaggatctca agaagatcct ttgatctttt ctacggggct agcgcttaga agaactcatc     1740

cagcagacgg tagaatgcaa tacgttgaga gtctggagct gcaataccat acagaaccag     1800

gaaacggtca gcccattcac cacccagttc ctctgcaatg tcacgggtag ccagtgcaat     1860

gtcctggtaa cggtctgcaa cacccagacg accacagtca atgaaaccag agaaacgacc     1920

attctcaacc atgatgttcg gcaggcatgc atcaccatga gtaactacca ggtcctcacc     1980

atccggcata cgagctttca gacgtgcaaa cagttcagcc ggtgccagac cctgatgttc     2040

ctcatccagg tcatcctggt caaccagacc tgcttccata cgggtacgag cacgttcaat     2100

acgatgtttt gcctggtggt caaacggaca ggtagctggg tccagggtgt gcagacgacg     2160

cattgcatca gccatgatag aaactttctc tgccggagcc aggtgagaag acagcaggtc     2220

ctgacccgga acttcaccca gcagcagcca gtcacgacca gcttcagtaa ctacatccag     2280

aactgcagca cacggaacac cagtggttgc cagccaagac agacgagctg cttcatcctg     2340

cagttcattc agagcaccag acaggtcagt tttaacaaac agaactggac gaccctgtgc     2400
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14

agacagacgg aaaacagctg catcagagca accaatggtc tgctgtgccc agtcataacc   2460

aaacagacgt tcaacccagg ctgccggaga acctgcatgc agaccatcct gttcaatcat   2520

gcgaaacgat cctcatcctg tctcttgatc agatcttgat cccctgcgcc atcagatcct   2580

tggcggcaag aaagccatcc agtttacttt gcagggcttc ccaaccttac cagagggcgc   2640

cccagctggc aattccggtt cgcttgctgt ccataaaacc gcccagtcta gcaactgttg   2700

ggaagggcga tcg   2713

<210>   13
<211>   2704
<212>   DNA
<213>   artificial sequence

<220>
<223>   Vector with a bovine codon optimized GHRH analog sequence

<400>   13
tgtaatacga ctcactatag ggcgaattgg agctccaccg cggtggcggc cgtccgccct   60

cggcaccatc ctcacgacac ccaaatatgg cgacgggtga ggaatggtgg ggagttattt   120

ttagagcggt gaggaaggtg ggcaggcagc aggtgttggc gctctaaaaa taactcccgg   180

gagttatttt tagagcggag gaatggtgga cacccaaata tggcgacggt tcctcacccg   240

tcgccatatt tgggtgtccg ccctcggccg gggccgcatt cctgggggcc gggcggtgct   300

cccgcccgcc tcgataaaag gctccggggc cggcggcggc ccacgagcta cccggaggag   360

cgggaggcgc caagcggatc ccaaggccca actccccgaa ccactcaggg tcctgtggac   420

agctcaccta gctgccatgg tgctgtgggt gttcttcctg gtgaccctga ccctgagcag   480

cggctcccac ggctccctgc cctcccagcc tctgcgcatc cctcgctacg ccgacgccat   540

cttcaccaac agctaccgca aggtgctcgg ccagctcagc gcccgcaagc tcctgcagga   600

catcatgaac cggcagcagg gcgagcgcaa ccaggagcag ggagcctgat aagcttatcg   660

gggtggcatc cctgtgaccc ctccccagtg cctctcctgg ccctggaagt tgccactcca   720

gtgcccacca gccttgtcct aataaaatta agttgcatca ttttgtctga ctaggtgtcc   780

ttctataata ttatggggtg gaggggggtg gtatggagca aggggcaagt tgggaagaca   840

acctgtaggg ctcgaggggg ggcccggtac cagcttttgt tccctttagt gagggttaat   900

ttcgagcttg gtcttccgct cctcgctca ctgactcgct gcgctcggtc gttcggctgc   960

ggcgagcggt atcagctcac tcaaaggcgg taatacggtt atccacagaa tcaggggata   1020

acgcaggaaa gaacatgtga gcaaaaggcc agcaaaaggc caggaaccgt aaaaaggccg   1080

cgttgctggc gttttttccat aggctccgcc ccctgacga gcatcacaaa aatcgacgct   1140

15

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caagtcagag gtggcgaaac ccgacaggac tataaagata ccaggcgttt ccccctggaa    1200

gctccctcgt gcgctctcct gttccgaccc tgccgcttac cggatacctg tccgcctttc    1260

tcccttcggg aagcgtggcg ctttctcata gctcacgctg taggtatctc agttcggtgt    1320

aggtcgttcg ctccaagctg ggctgtgtgc acgaacccccc cgttcagccc gaccgctgcg    1380

ccttatccgg taactatcgt cttgagtcca acccggtaag acacgactta tcgccactgg    1440

cagcagccac tggtaacagg attagcagag cgaggtatgt aggcggtgct acagagttct    1500

tgaagtggtg gcctaactac ggctacacta gaagaacagt atttggtatc tgcgctctgc    1560

tgaagccagt taccttcgga aaaagagttg gtagctcttg atccggcaaa caaaccaccg    1620

ctggtagcgg tggttttttt gtttgcaagc agcagattac gcgcagaaaa aaaggatctc    1680

aagaagatcc tttgatcttt tctacggggc tagcgcttag aagaactcat ccagcagacg    1740

gtagaatgca atacgttgag agtctggagc tgcaatacca tacagaacca ggaaacggtc    1800

agcccattca ccacccagtt cctctgcaat gtcacgggta gccagtgcaa tgtcctggta    1860

acggtctgca acacccagac gaccacagtc aatgaaacca gagaaacgac cattctcaac    1920

catgatgttc ggcaggcatg catcaccatg agtaactacc aggtcctcac catccggcat    1980

acgagctttc agacgtgcaa acagttcagc cggtgccaga ccctgatgtt cctcatccag    2040

gtcatcctgg tcaaccagac ctgcttccat acgggtacga gcacgttcaa tacgatgttt    2100

tgcctggtgg tcaaacggac aggtagctgg gtccagggtg tgcagacgac gcattgcatc    2160

agccatgata gaaactttct ctgccggagc caggtgagaa gacagcaggt cctgacccgg    2220

aacttcaccc agcagcagcc agtcacgacc agcttcagta actacatcca gaactgcagc    2280

acacggaaca ccagtggttg ccagccaaga cagacgagct gcttcatcct gcagttcatt    2340

cagagcacca gacaggtcag ttttaacaaa cagaactgga cgaccctgtg cagacagacg    2400

gaaaacagct gcatcagagc aaccaatggt ctgctgtgcc cagtcataac caaacagacg    2460

ttcaacccag gctgccggag aacctgcatg cagaccatcc tgttcaatca tgcgaaacga    2520

tcctcatcct gtctcttgat cagatcttga tcccctgcgc catcagatcc ttggcggcaa    2580

gaaagccatc cagtttactt tgcagggctt cccaacctta ccagagggcg ccccagctgg    2640

caattccggt tcgcttgctg tccataaaac cgcccagtct agcaactgtt gggaagggcg    2700

atcg                                                                 2704
```

<210> 14
<211> 2704
<212> DNA
<213> artificial sequence

16

<220>
<223> Vector with a ovine codon optimized GHRH analog sequence

<400> 14
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tgtaatacga ctcactatag ggcgaattgg agctccaccg cggtggcggc cgtccgccct      60

cggcaccatc ctcacgacac ccaaatatgg cgacgggtga ggaatggtgg ggagttattt     120

ttagagcggt gaggaaggtg ggcaggcagc aggtgttggc gctctaaaaa taactcccgg     180

gagttatttt tagagcggag gaatggtgga cacccaaata tggcgacggt tcctcacccg     240

tcgccatatt tgggtgtccg ccctcggccg gggccgcatt cctgggggcc gggcggtgct     300

cccgcccgcc tcgataaaag gctccggggc cggcggcggc ccacgagcta cccggaggag     360

cgggaggcgc caagcggatc ccaaggccca actccccgaa ccactcaggg tcctgtggac     420

agctcaccta gctgccatgg tgctgtgggt gttcttcctg gtgaccctga ccctgagcag     480

cggaagccac ggcagcctgc ccagccagcc cctgaggatc cctaggtacg ccgacgccat     540

cttcaccaac agctacagga agatcctggg ccagctgagc gctaggaagc tcctgcagga     600

catcatgaac aggcagcagg gcgagaggaa ccaggagcag ggcgcctgat aagcttatcg     660

gggtggcatc cctgtgaccc ctccccagtg cctctcctgg ccctggaagt tgccactcca     720

gtgcccacca gccttgtcct aataaaatta agttgcatca ttttgtctga ctaggtgtcc     780

ttctataata ttatggggtg gagggggtg gtatggagca aggggcaagt tgggaagaca     840

acctgtaggg ctcgaggggg ggcccggtac cagcttttgt tcccttttagt gagggttaat     900

ttcgagcttg gtcttccgct tcctcgctca ctgactcgct gcgctcggtc gttcggctgc     960

ggcgagcggt atcagctcac tcaaaggcgg taatacggtt atccacagaa tcaggggata    1020

acgcaggaaa gaacatgtga gcaaaaggcc agcaaaaggc caggaaccgt aaaaaggccg    1080

cgttgctggc gtttttccat aggctccgcc cccctgacga gcatcacaaa aatcgacgct    1140

caagtcagag gtggcgaaac ccgacaggac tataaagata ccaggcgttt ccccctggaa    1200

gctccctcgt gcgctctcct gttccgaccc tgccgcttac cggatacctg tccgcctttc    1260

tcccttcggg aagcgtggcg ctttctcata gctcacgctg taggtatctc agttcggtgt    1320

aggtcgttcg ctccaagctg ggctgtgtgc acgaacccccc cgttcagccc gaccgctgcg    1380

ccttatccgg taactatcgt cttgagtcca acccggtaag acacgactta tcgccactgg    1440

cagcagccac tggtaacagg attagcagag cgaggtatgt aggcggtgct acagagttct    1500

tgaagtggtg gcctaactac ggctacacta gaagaacagt atttggtatc tgcgctctgc    1560

tgaagccagt taccttcgga aaaagagttg gtagctcttg atccggcaaa caaaccaccg    1620

ctggtagcgg tggttttttt gtttgcaagc agcagattac gcgcagaaaa aaaggatctc    1680
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17

```
aagaagatcc tttgatcttt tctacggggc tagcgcttag aagaactcat ccagcagacg    1740

gtagaatgca atacgttgag agtctggagc tgcaatacca tacagaacca ggaaacggtc    1800

agcccattca ccacccagtt cctctgcaat gtcacgggta gccagtgcaa tgtcctggta    1860

acggtctgca acacccagac gaccacagtc aatgaaacca gagaaacgac cattctcaac    1920

catgatgttc ggcaggcatg catcaccatg agtaactacc aggtcctcac catccggcat    1980

acgagctttc agacgtgcaa acagttcagc cggtgccaga ccctgatgtt cctcatccag    2040

gtcatcctgg tcaaccagac ctgcttccat acgggtacga gcacgttcaa tacgatgttt    2100

tgcctggtgg tcaaacggac aggtagctgg gtccagggtg tgcagacgac gcattgcatc    2160

agccatgata gaaactttct ctgccggagc caggtgagaa gacagcaggt cctgacccgg    2220

aacttcaccc agcagcagcc agtcacgacc agcttcagta actacatcca gaactgcagc    2280

acacggaaca ccagtggttg ccagccaaga cagacgagct gcttcatcct gcagttcatt    2340

cagagcacca gacaggtcag ttttaacaaa cagaactgga cgaccctgtg cagacagacg    2400

gaaaacagct gcatcagagc aaccaatggt ctgctgtgcc cagtcataac caaacagacg    2460

ttcaacccag gctgccggag aacctgcatg cagaccatcc tgttcaatca tgcgaaacga    2520

tcctcatcct gtctcttgat cagatcttga tcccctgcgc catcagatcc ttggcggcaa    2580

gaaagccatc cagtttactt tgcagggctt cccaacctta ccagagggcg ccccagctgg    2640

caattccggt tcgcttgctg tccataaaac cgcccagtct agcaactgtt gggaagggcg    2700

atcg                                                                 2704


<210>  15
<211>  2713
<212>  DNA
<213>  artificial sequence

<220>
<223>  Vector with a chicken codon optimized GHRH analog sequence

<400>  15
tgtaatacga ctcactatag ggcgaattgg agctccaccg cggtggcggc cgtccgccct      60

cggcaccatc ctcacgacac ccaaatatgg cgacgggtga ggaatggtgg ggagttattt     120

ttagagcggt gaggaaggtg ggcaggcagc aggtgttggc gctctaaaaa taactcccgg     180

gagttatttt tagagcggag gaatggtgga cacccaaata tggcgacggt tcctcacccg     240

tcgccatatt tgggtgtccg ccctcggccg gggccgcatt cctggggggcc gggcggtgct     300

cccgcccgcc tcgataaaag gctccggggc cggcggcggc ccacgagcta cccggaggag     360

cgggaggcgc caagcggatc ccaaggccca actccccgaa ccactcaggg tcctgtggac     420
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                                              18

```
agctcaccta gctgccatgg ccctgtgggt gttctttgtg ctgctgaccc tgacctccgg    480

aagccactgc agcctgccac ccagcccacc cttccgcgtc aggcgccacg ccgacggcat    540

cttcagcaag gcctaccgca agctcctggg ccagctgagc gcacgcaact acctgcacag    600

cctgatggcc aagcgcgtgg gcagcggact gggagacgag gccgagcccc tgagctgata    660

agcttatcgg ggtggcatcc ctgtgacccc tccccagtgc ctctcctggc cctggaagtt    720

gccactccag tgcccaccag ccttgtccta ataaaattaa gttgcatcat tttgtctgac    780

taggtgtcct tctataatat tatggggtgg aggggggtgg tatggagcaa ggggcaagtt    840

gggaagacaa cctgtagggc tcgaggggggg gcccggtacc agcttttgtt ccctttagtg    900

agggttaatt tcgagcttgg tcttccgctt cctcgctcac tgactcgctg cgctcggtcg    960

ttcggctgcg gcgagcggta tcagctcact caaaggcggt aatacggtta tccacagaat    1020

cagggggataa cgcaggaaag aacatgtgag caaaaggcca gcaaaaggcc aggaaccgta    1080

aaaaggccgc gttgctggcg ttttttccata ggctccgccc ccctgacgag catcacaaaa    1140

atcgacgctc aagtcagagg tggcgaaacc cgacaggact ataaagatac caggcgtttc    1200

cccctggaag ctccctcgtg cgctctcctg ttccgaccct gccgcttacc ggatacctgt    1260

ccgcctttct cccttcggga agcgtggcgc tttctcatag ctcacgctgt aggtatctca    1320

gttcggtgta ggtcgttcgc tccaagctgg gctgtgtgca cgaaccccc gttcagcccg    1380

accgctgcgc cttatccggt aactatcgtc ttgagtccaa cccggtaaga cacgacttat    1440

cgccactggc agcagccact ggtaacagga ttagcagagc gaggtatgta ggcggtgcta    1500

cagagttctt gaagtggtgg cctaactacg gctacactag aagaacagta tttggtatct    1560

gcgctctgct gaagccagtt accttcggaa aaagagttgg tagctcttga tccggcaaac    1620

aaaccaccgc tggtagcggt ggtttttttg tttgcaagca gcagattacg cgcagaaaaa    1680

aaggatctca agaagatcct ttgatctttt ctacggggct agcgcttaga agaactcatc    1740

cagcagacgg tagaatgcaa tacgttgaga gtctggagct gcaataccat acagaaccag    1800

gaaacggtca gcccattcac cacccagttc ctctgcaatg tcacgggtag ccagtgcaat    1860

gtcctggtaa cggtctgcaa cacccagacg accacagtca atgaaaccag agaaacgacc    1920

attctcaacc atgatgttcg gcaggcatgc atcaccatga gtaactacca ggtcctcacc    1980

atccggcata cgagctttca gacgtgcaaa cagttcagcc ggtgccagac cctgatgttc    2040

ctcatccagg tcatcctggt caaccagacc tgcttccata cgggtacgag cacgttcaat    2100

acgatgtttt gcctggtggt caaacggaca ggtagctggg tccagggtgt gcagacgacg    2160

cattgcatca gccatgatag aaactttctc tgccggagcc aggtgagaag acagcaggtc    2220
```
19

```
ctgacccgga acttcaccca gcagcagcca gtcacgacca gcttcagtaa ctacatccag   2280

aactgcagca cacggaacac cagtggttgc cagccaagac agacgagctg cttcatcctg   2340

cagttcattc agagcaccag acaggtcagt tttaacaaac agaactggac gaccctgtgc   2400

agacagacgg aaaacagctg catcagagca accaatggtc tgctgtgccc agtcataacc   2460

aaacagacgt tcaacccagg ctgccggaga acctgcatgc agaccatcct gttcaatcat   2520

gcgaaacgat cctcatcctg tctcttgatc agatcttgat cccctgcgcc atcagatcct   2580

tggcggcaag aaagccatcc agtttacttt gcagggcttc ccaaccttac cagagggcgc   2640

cccagctggc aattccggtt cgcttgctgt ccataaaacc gcccagtcta gcaactgttg   2700

ggaagggcga tcg                                                       2713


<210>  16
<211>  382
<212>  DNA
<213>  artificial sequence

<220>
<223>  This is the synthetic promoter c1-26.

<400>  16
ggcggccgag ggcggcgggg caggcagcag gtgttggcac cattcctcac cgctctaaaa   60

ataactcccg tgaggaatgg tgccgtcgcc atatttgggt gtcgacaccc aaatatggcg   120

acgggtgagg aatggtgggc aggcagcagg tgttgggaca cccaaatatg gcgacggcca   180

acacctgctg cctgccggga gttattttta gagcggggag ttatttttag agcggtgagg   240

aatggtggac acccaaatat ggcgacggcc ggggccgcat tcctgggggc cgggcggtgc   300

tcccgcccgc ctcgataaaa ggctccgggg ccggcggcgg cccacgagct acccggagga   360

gcgggaggcg ccaagctcta ga                                             382


<210>  17
<211>  218
<212>  DNA
<213>  artificial sequence

<220>
<223>  This is the synthetic promoter sequence for c2-26.

<400>  17
cggccgtcgc catatttggg tgtccgctct aaaaataact cccgacaccc aaatatggcg   60

acggggcagg cagcaggtgt tgggacaccc aaatatggcg acggccgggg ccgcattcct   120

gggggccggg cggtgctccc gcccgcctcg ataaaaggct ccggggccgg cggcggccca   180

cgagctaccc ggaggagcgg gaggcgccaa gctctaga                           218
```
20

```
<210>  18
<211>  230
<212>  DNA
<213>  artificial sequence

<220>
<223>  This is the synthetic sequence for c2-27.

<400>  18
cggccgtcgc catatttggg tgtcggcagg cagcaggtgt tggcaccatt cctcacccgt      60

cgccatattt gggtgtcggc aggcagcagt gttgggacac ccaaatatgg cgacggccgg     120

ggccgcattc ctgggggccg ggcggtgctc ccgcccgcct cgataaaagg ctccggggcc     180

ggcggcggcc cacgagctac ccggaggagc gggaggcgcc aagctctaga                230


<210>  19
<211>  231
<212>  DNA
<213>  artificial sequence

<220>
<223>  This is the synthetic promoter for c5-5.

<400>  19
cggccgtccg ccctcgggac acccaaatat ggcgacgggt gaggaatggt gcaccattcc      60

tcacgggagt tatttttaga gcggtgagga atggtggaca cccaaatatg cgacggccg      120

gggccgcatt cctgggggcc gggcggtgct cccgcccgcc tcgataaaag gctccggggc     180

cggcggcggc ccacgagcta cccggaggag cgggaggcgc caagctctag a              231


<210>  20
<211>  255
<212>  DNA
<213>  artificial sequence

<220>
<223>  This is the synthetic promter for c6-5.

<400>  20
cggccgtcgc catatttggg tgtcccaaca cctgctgcct gccccgtcgc catatttggt      60

gtcggcaggc agcaggtgtt ggccaacacc tgctgcctgc cgggagttat ttttagagcg     120

gacacccaaa tatggcgacg gccggggccg cattcctggg ggccgggcgg tgctcccgcc     180

cgcctcgata aaaggctccg gggccggcgg cggcccacga gctacccgga ggagcgggag     240

gcgccaagct ctaga                                                      255


<210>  21
<211>  283
```
21

<212> DNA
<213> artificial sequence

<220>
<223> This is the synthetic promoter for c6-16.

<400> 21
cggccgtcgc catatttggg tgtccgctct aaaaataact cccccaacac ctgctgcctg   60

ccccgtcgcc atatttgggt gtcggcaggc agcaggtgtt ggccaacacc tgctgcctgc   120

cccaacacct gctgcctgcc ccgtcgccat atttggtgtc cgccctcggc cggggccgca   180

ttcctggggg ccgggcggtg ctcccgcccg cctcgataaa aggctccggg gccggcggcg   240

gcccacgagc tacccggagg agcgggaggc gccaagctct aga   283

<210> 22
<211> 263
<212> DNA
<213> artificial sequence

<220>
<223> This is the synthetic promoter for c6-39.

<400> 22
cggccgtccg ccctcggggg agttattttt agagcgccaa cacctgctgc ctgccccgtc   60

gccatatttg ggtgtcggca ggcagcaggt gttgggggag ttatttttag agcgccgtcg   120

ccatatttgg gtgtcccgag ggcggacggc cggggccgca ttcctggggg ccgggcggtg   180

ctcccgcccg cctcgataaa aggctccggg gccggcggcg gcccacgagc tacccggagg   240

agcgggaggc gccaagctct aga   263

<210> 23
<211> 10
<212> DNA
<213> artificial sequence

<220>
<223> Proximal SRE - skeletal a-actin

<220>
<221> MISC_FEATURE
<222> (3)..(3)
<223> n at position 3 may be adenine or thymine

<220>
<221> MISC_FEATURE
<222> (4)..(4)
<223> n at position 4 may be adenine or thymine

<220>
<221> MISC_FEATURE
<222> (5)..(5)

22

<223> n at position 5 may be adenine or thymine

<220>
<221> MISC_FEATURE
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<223> n at position 6 may be adenine or thymine

<220>
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<223> n at position 7 may be adenine or thymine

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<210> 24
<211> 14
<212> DNA
<213> artificial sequence

<220>
<223> MEF-2 site, skeletal a-actin promoter

<220>
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<223> n at position 1 may be cytosine or thymine

<220>
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<223> n at position 12 may be cytosine or thymine

<220>
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<222> (13)..(13)
<223> n at position 13 may be cytosine or thymine

<220>
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<222> (14)..(14)
<223> n at position 14 may be cytosine or thymine

<400> 24
ntaaaaataa cnnn   14

<210> 25
<211> 14
<212> DNA
<213> artificial sequence

<220>

23

<223> Sp1 element

<400> 25
ccgtccgccc tcgg   14

24

EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/699,597	10/30/2003	Ruxandra Draghia-Akli	108328.00161 (AVSI-0027)

CONFIRMATION NO. 7762

ABANDONMENT/TERMINATION LETTER

25555
JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

. Date Mailed: 03/14/2007

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 07/06/2006.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);

2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or

3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice __MUST__ be returned with the reply.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 1 - ATTORNEY/APPLICANT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/699,597	10/30/2003	Ruxandra Draghia-Akli	108328.00161 (AVSI-0027)

CONFIRMATION NO. 7762
ABANDONMENT/TERMINATION LETTER

25555
JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

Date Mailed: 03/14/2007

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 07/06/2006.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);

2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or

3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

A copy of this notice __MUST__ be returned with the reply.

Tequest Woldeyes

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 2 - COPY TO BE RETURNED WITH RESPONSE

1Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed 07/06/06

Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within **2 months** from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

Petition to Revive an Abandoned Application

If applicant did <u>not</u> previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

EXHIBIT B

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/699,597	10/30/2003	Ruxandra Draghia-Akli	108328.00161 (AVSI-0027)

MAY 2 5 2007

7855
JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

CONFIRMATION NO. 7762
WITHDRAWAL
NOTICE
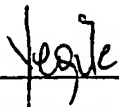
Date Mailed: 07/06/2006

WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Notice mailed on 06/01/2004 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. The Office regrets any inconvenience the error may have caused.

A copy of this notice __MUST__ be returned with the reply.

Customer Service Center
Initial Patent Examination Division (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 3 - OFFICE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/699,597	10/30/2003	Ruxandra Draghia-Akli	108328.00161 (AVSI-0027)

CONFIRMATION NO. 7762

25555
JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS, TX 75202-3797

**FORMALITIES
LETTER**

Date Mailed: 07/06/2006

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821-1.825. The application must be in sequence compliance before examination on the merits.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extension of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six-month statutory period. Direct the response to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

See the attachment.

Applicant Must Provide as part of the response:
- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

To Download Patentin Software, visit http://www.uspto.gov/web/patents/software.htm
For questions regarding compliance to these requirements, please contact:
- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

A copy of this notice __MUST__ be returned with the reply.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382

PART 3 - OFFICE COPY

OIPE ROUTING SHEET

APPLICATION

IFW DocCode - SEQREQ

Index using Current Date

10699597

TO BE DELIVERED TO:

Tech Center Scanning

Sequence Rule Compliance Review Item

	CRF, paper copy of sequence listing, and statement that both are same missing
	CRF contains error(s) according to STIC Report
	CRF damaged or unreadable according to STIC Report
	CRF transferred from prior application is not compliant

Place an "X" in the appropriate box

DAVE TRONG NGUYEN
SUPERVISORY PATENT EXAMINER

APPLICATION SERIAL NUMBER
<u>10/699597</u>

DOES NOT COMPLY WITH THE SEQUENCE RULES. See reasons below.

Page(s) 4, line 3 and 12 and page 18, line 17 contain sequences not found in the CRF.

EXHIBIT C

| JW# | 108328.0161 | | | PRINTED ON: | 4/10/2007 |

COUNTRY	US UNITED STATES	TITLE	PRIOR	11/4/2002

NEW/CON	FCA	SERIAL#	10/699,597	(AVSI-0027) SYNTHETIC MUSCLE PROMOTERS WITH ACTIVITIES EXCEEDING NATURALLY OCCURRING REGULATORY SEQUENCES IN CARDIAC CELLS	MAIL	10/30/2003

RELATED 108328.0085 PATENT# — FILE 10/30/2003

TYPE UTL STATUS PENDING — PUBL

CLIENT 108328 ADViSYS, Inc. 1 CREF — ISSUE

AGENT — AREF — 1ST 10/30/2003

EXP 10/30/2023

ID	O	ACTION	BASE	DUE IN		DUE	EXTNS		FINAL	EXT	RESPONSE	CALL UP		1	2	P
FO	N	FOREIGN FILING DUE	11/4/2002	12	M	11/4/2003			11/4/2003	0	10/30/2003	3	M	Y	Y	Y
PC	N	POST CARD CHECK	10/30/2003	1	M	11/30/2003			11/30/2003	0	11/17/2003	0	M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	10/30/2003	3	M	1/30/2004			1/30/2004	0	2/11/2004	1	M	Y	Y	Y
FS	N	SC-FILING RECEIPT	10/30/2003	3	M	1/30/2004			1/30/2004	0	2/9/2004	0	M	Y	Y	Y
G2	N	MISSING PARTS (2 MO)	2/6/2004	2	M	4/6/2004	5	1	9/6/2004	2	5/6/2004	1	M	Y	Y	Y

TO PTO W/CERT THIS DATE.

| | N | FILE IDS/PCT SRCH | 1/31/2005 | 3 | M | 4/30/2005 | | | 4/30/2005 | 0 | 3/3/2005 | 0 | M | Y | Y | Y |

TO PTO W/CERT THIS DATE PER MARSHA.

| SC | N | STATUS CHECK | 10/30/2003 | 18 | M | 4/30/2005 | | | 4/30/2005 | 0 | 4/19/2005 | 1 | M | Y | Y | Y |

| | N | FILE IDS/EPO SEARCH | 3/13/2006 | 3 | M | 6/13/2006 | | | 6/13/2006 | 0 | 6/2/2006 | 0 | M | Y | Y | Y |

SEE FILE AVSI-0027WO/EP (LETTER FROM ASSOC. DATED 3/22/06 AND EPO SUPPLEMENTAL SEARCH MAILED 3/13/06). FILE ANY REFERENCES NOT ALREADY FILED. TO PTO W/CERT THIS DATE PER TRACY.

INVENTORS

Draghia-Akli, Ruxandra

Schwartz, Robert J.

PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
108328.0085	US	60/423,536	11/4/2002	(AVSI-0027PRO) SYNTHETIC MUSCLE PROMOTERS WITH ACTIVITIES EXCEEDING NATURALLY OCCURRING REGULATORY SEQUENCES IN CARDIAC CELLS	APPL

USER-DEFINABLE FIELDS		PATENT FIELDS	
TXT1		SMALL ENTITY	ART UNIT
TXT2		CLAIMS	EXAMINER
TXT3		PUBLICATION#	CONFIRM#

| P02065US01 | ENTERED | 11/3/2003 | MODIFIED | 6/2/2006 | BY | DAP | ATTORNEYS | TLC | / | CC | / | DAP |